

REMARKS

Claims 1-9 are all the claims pending in the application.

Support for this amendment can be found in original dependent Claim 2, wherein the definition of R^2 and R^3 cites all the groups listed in original Claim 1 and, in addition, the "acetyl group" (line 18 of page 72). Claim 2 is directed to the compounds as defined in original Claim 1, wherein R^1 is restricted to the 1-hydroxyethyl group (that is no acetyl group) so that the proviso of Claim 1 does not apply. Considering the fact that the proviso is not relevant for Claim 2 and the definitions of R^2 and R^3 in Claim 2 include the "acetyl group", it is evident to one skilled in the art that the definition of R^2 and R^3 , not the proviso in Claim 1 is erroneous.

In view of the information given in original Claim 1 and Claim 2, the skilled person immediately recognizes that the "acetyl group" is missing in the list of substituents for R^2 and R^3 in original Claim 1. Therefore, it is kindly requested to accept the correction of original Claim 1.

Claim 9 has been amended to remove the recitation of "treatment" of conditions.

Claim Rejections - 35 U.S.C. § 112

1. Claims 1-9 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. According to the Examiner, in claim 1 "nor an acetyl group" is not necessary because neither R^2 or R^3 can be acetyl.

Claim 1 has been amended to correct a clerical error and recite that R^2 and R^3 can be acetyl. Accordingly, the claim with the proviso is clear. Thus withdrawal of the rejection is respectfully requested.

2. Claim 9 is rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. According to the Examiner, "preventing" the diseases of claim 9 is not enabled.

In order to expedite prosecution, Claim 9 has been amended by deleting the recitation "preventing or". Thus, withdrawal of the rejection of Claim 9 under 35 U.S.C. § 112, first paragraph for lack of enablement is respectfully requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


Susan J. Majek
Registration No. 30,951

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

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